

Addendum to Tech Memo #1: Review of Local Bicycle-related Ordinances and Kansas State Laws

Wichita, Kansas - Selected State and Local Laws and Ordinances Relating to Bicycles - July 2015				
Topic	Kansas State Law	Wichita City Ordinance #	Law/Ordinance	Link
Mandatory passing guidelines for motor vehicles overtaking bicyclists	K.S.A. Article 15 Ch. 8-1516 (c) (1), (c) (2) Same [Overtaking and passing]; vehicles and bicycles proceeding in same direction.		(c) (1) The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a distance of not less than three feet and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle. (2) The driver of a vehicle may pass a bicycle proceeding in the same direction in a no-passing zone with the duty to execute the pass only when it is safe to do so.	http://kslegislature.org/li/b2015_16/statute/008_000_0000_chapter/008_015_0000_article/008_015_0016_section/008_015_0016_k/
		Wichita Municipal Code Sec. 11.38.200. Passing—Rules.	The following rules shall govern the overtaking and passing of vehicles and bicycles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated: (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (c)(1) The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a distance of not less than three feet and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle. (2) The driver of a vehicle may pass a bicycle proceeding in the same direction in a no-	https://library.municode.com/index.aspx?clientId=14166
Riding on Sidewalks	K.S.A. Article 15 Ch. 8-1575. Driving upon sidewalk.		No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.	http://kslegislature.org/li/b2015_16/statute/008_000_0000_chapter/008_015_0000_article/008_015_0075_section/008_015_0075_k/
		Wichita Municipal Code Sec. 11.48.160 Bicycles and human-powered vehicles on sidewalks.	(a) A person operating a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. (b) A person operating a vehicle by human power upon and along a sidewalk or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances. (c) No bicycle shall be ridden upon sidewalks in the central business district except in designated areas. [Individuals are allowed to ride a bicycle on sidewalks in Wichita, except in the Central Business District (unless designated for bicycle use) per City Code Section 11.48.160. For the purposes of the bicycling on sidewalks, the City has referred to the "congested area" definition in Section 11.04.060 for the Central Business District boundaries.]	https://library.municode.com/index.aspx?clientId=14166
Riding in the street	K.S.A. Article 15 Ch. 8-1587 Traffic laws apply to persons riding bicycles.		Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this act, except as otherwise provided in K.S.A. 8-1586 to 8-1592, inclusive, and except as to those provisions of this act which by their nature can have no application.	http://kslegislature.org/li/b2015_16/statute/008_000_0000_chapter/008_015_0000_article/008_015_0087_section/008_015_0087_k/
		Wichita Municipal Code Sec. 11.16.070. Persons propelling pushcarts or riding bicycles or animals to obey traffic regulations.	Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this title applicable to the driver of a vehicle, except those provisions of this title which by their nature can have no application.	https://library.municode.com/index.aspx?clientId=14166
		Wichita Municipal Code Sec. 11.48.100 Subject to traffic-control devices and traffic regulations.	Every person riding a bicycle upon a street is granted the same rights and duties applicable to a person driving a motor vehicle. However, additional special regulations apply. The special regulations include those described in the Wichita Municipal Code Section 11.48.120 which describes where and when cyclists should ride on the street.	https://library.municode.com/index.aspx?clientId=14166

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Riding "As Near to the Right Side as Practicable"	K.S.A. Article 15 Ch. 8-1590. Riding on bicycles or mopeds; riding on roadways and bicycle paths.		(a) Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable, except under any of the following situations when: (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction; (2) preparing for a left turn at an intersection or into a private road or driveway; or (3) reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway. (b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable. ... (e) For purposes of this section, "narrow width lane" means a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.	http://kslegislature.org/li/b2013_14/statute/008_00_0000_chapter/008_015_0000_article/008_015_0090_section/008_015_0090_k/
		Wichita Municipal Code Sec. 11.48.120. Riding on roadways and bicycle paths.	(a) Every person operating a bicycle upon a street, highway or roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the street, highway, or roadway as practicable, except under any of the following situations when: (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction; (2) Preparing for a left turn at an intersection or into a private road or driveway; or (3) Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the street, highway or roadway. (b) Any person operating a bicycle upon a one-way street, highway or roadway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable. ... (e) For purposes of this Section, "narrow width lane" means a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane	https://library.municode.com/index.aspx?clientId=14166
Opening & Closing Vehicle Doors	K.S.A. Article 15 Ch. 8-1577 Opening and closing vehicle doors.		No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers	http://kslegislature.org/li/b2015_16/statute/008_000_00_00_chapter/008_015_0000_article/008_015_0077_section/008_015_0077_k/
		Wichita Municipal Code Sec. 11.38.340. Vehicle door opening.	No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.	https://library.municode.com/index.aspx?clientId=14166
Mandatory use of bicycle facilities	K.S.A. Article 15 Ch. 8-1590 Riding on bicycles or mopeds; riding on roadways and bicycle paths.		(d) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.	http://kslegislature.org/li/b2015_16/statute/008_000_00_00_chapter/008_015_0000_article/008_015_0090_section/008_015_0090_k/
		Wichita Municipal Code Sec. 11.48.120 Riding on roadways and bicycle paths.	(d) Wherever a usable path for bicycles has been provided adjacent to a street, highway or roadway, bicycle riders shall use such path and shall not use the street, highway or roadway.	https://library.municode.com/index.aspx?clientId=14166
Mandatory obedience to traffic control devices	K.S.A. Article 15 Ch. 8-1587 Traffic laws apply to persons riding bicycles.		Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle.	http://kslegislature.org/li/b2015_16/statute/008_000_00_00_chapter/008_015_0000_article/008_015_0087_section/008_015_0087_k/
		Wichita Municipal Code Sec. 11.48.100. Subject to traffic-control devices and traffic regulations.	Every person riding a bicycle upon a street, highway or roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code except as to special ordinances so designated and except to those provisions of this Code which by their nature can have no application.	https://library.municode.com/index.aspx?clientId=14166

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"Dead Red" Law	K.S.A. Article 15 Ch. 8-1508. Traffic-control signal legend.		(c) Steady red indication. (1) Vehicular traffic facing a steady circular red or red arrow signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2), (3) and (4) of this subsection. Any turn provided for in paragraphs (2), (3) and (4) shall be governed by the applicable provisions of K.S.A. 8-1545, and amendments thereto. (4) <u>The driver of a motorcycle or a person riding a bicycle facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle because of its size or weight, shall have the right to proceed subject to the rules stated herein.</u> After stopping, the driver or rider shall yield the right-of-way to any vehicle in or near the intersection or approaching on a roadway so closely as to constitute an immediate hazard during the time such driver or rider is moving across or within the intersection or junction of roadways. Such motorcycle or bicycle traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.	http://www.kslegislature.org/li/2014/b2013_14/statute/008_000_0000_chapter/008_015_0000_article/008_015_0008_section/008_015_0008_k/
Lights Required	K.S.A. Article 15 Ch. 8-1592 Lamps, Brakes and Other Equipment on Bicycles		a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the secretary of transportation which shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.	http://kslegislature.org/li/b2015_16/statute/008_000_0000_chapter/008_015_0000_article/008_015_0092_section/008_015_0092_k/
		Wichita Municipal Code Sec. 11.48.090. Lamps, brakes and other equipment on bicycles.	(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the Secretary of Transportation which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.	https://library.municode.com/index.aspx?clientId=14166
Various Definitions		Wichita Municipal Code Section 11.48.010 Definitions.	(a) Bicycle. "Bicycle" means every vehicle propelled by human power upon which any person may ride having two or more tandem wheels, any of which is more than fourteen inches in diameter, but does not include any mobility device as defined by the Americans with Disabilities Act. (b) Bike path. "Bike path" or "bicycle path" means a paved route separated from car traffic and designated for bicycle use. (c) Bike lane. "Bike lane" or "bicycle lane" means a portion of the roadway designated for bicycle use separated from autos by a paint stripe, raised divider, or marked by signs and/or paint on the roadway. (d) Bike route. "Bike route" means a route designated on streets having low traffic volume, marked by signs and/or paint on the street. (e) Nighttime. "Nighttime" as used in this Chapter means any time from a half hour after sunset to a half hour before sunrise, or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets, highways or roadways are not clearly discernable at a distance of one thousand feet ahead. The regulations of this Chapter applicable to bicycles shall apply whenever a bicycle is operated upon any sidewalk, street, roadway, highway, or public path set aside for the exclusive use of pedestrian and bicycle traffic, and shall also include all public parks and playgrounds or other property under the ownership, jurisdiction or control of the City, the Board of Park Commissioners or any other agency created to provide a public service in or adjacent to the City.	https://library.municode.com/index.aspx?clientId=14166
Yielding to Pedestrians	K.S.A. Article 15 Ch. 8-1509 Bicyclists/Motorists yield to pedestrians		Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk" or symbols of "walking person" or "upraised palm" are in place, such signals shall indicate as follows: (a) Flashing or steady walk or walking person. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.	http://kslegislature.org/li/b2015_16/statute/008_000_0000_chapter/008_015_0000_article/008_015_0009_section/008_015_0009_k/
		Wichita Municipal Code Sec. 11.44.035. Drivers to exercise due care.	Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person.	https://library.municode.com/index.aspx?clientId=14166

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Bicycle Parking		Wichita Municipal Code Sec. 11.48.170. Parking of bicycles.	It is unlawful for any person to park or leave a bicycle on public property where such bicycle blocks pedestrian travel or presents a traffic hazard.	https://library.municode.com/index.aspx?clientId=14166
Impounding of Bicycles		Wichita Municipal Code Sec. 11.48.175. Impounding bicycles.	Bicycles shall be impounded to the police department or to any other place of safety: (a) When such bicycle is abandoned; (b) When such bicycle is reported or determined to be stolen and is recovered; or (c) When such bicycle is left parked on public property where that bicycle blocks pedestrian travel or presents a traffic hazard. A bicycle impounded by the police department shall not be released until the bicycle has been investigated and the rightful owner is found and shows proof of ownership.	https://library.municode.com/index.aspx?clientId=14166
Disposal of abandoned bicycles		Wichita Municipal Code Sec. 11.48.180. Sale of unclaimed or impounded bicycles.	Whenever a bicycle has been impounded for a period of 30 days and no claim of ownership or the right to possession thereof has been made and established to the satisfaction of the police department, such bicycle shall be sold at public auction, after legal publication of the time, date and location of such sale.	https://library.municode.com/index.aspx?clientId=14166
Texting While Driving Prohibited	K.S.A. Article 15 Ch. 8-15,111. Text messaging, prohibited; exceptions.		(a) As used in this section: (1) "Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function. (2) "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message or electronic mail. (b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication. (c) The provisions of subsection (b) shall not apply to: (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; (2) a motor vehicle stopped off the regular traveled portion of the roadway; (3) a person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call; (4) a person who receives an emergency, traffic or weather alert message; or (5) a person receiving a message related to the operation or navigation of the motor vehicle. (d) The provisions of subsection (b) shall not prohibit a person from using a wireless communications device while operating a moving motor vehicle to:	http://kslegislature.org/li_2014/b2013_14/statute/008_000_0000_chapter/008_015_0000_article/008_015_0111_section/008_015_0111_k/
		Wichita Municipal Code Sec. 11.38.390. Unlawful text messaging.	(a) As used in this section: (1) "Wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. "Wireless communication device" does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function. (2) "Write, send or read a written communication" means using a wireless communication device to manually type, send or read a written communication, including, but not limited to, a text message, instant message, or electronic mail. (b) Except as provided in subsections (c) and (d), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication. (c) The provisions of subsection (b) shall not apply to: (1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; (2) A motor vehicle stopped off the regular traveled portion of the roadway; (3) A person who reads, selects or enters a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call; (4) A person who receives an emergency, traffic or weather alert message; or (5) A person receiving a message related to the operation or navigation of the motor vehicle. (d) The provisions of subsection (b) shall not prohibit a person from using a wireless	https://library.municode.com/index.aspx?clientId=14166

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Parking in bicycle lane prohibited		None, but see Wichita Municipal Code Sec. 11.52.020. Unlawful parking —Exceptions.	It is unlawful, except when necessary to avoid conflict with other traffic or in obedience to traffic regulations or the directions of traffic control devices or a police officer: ... (4) For any person or operator to stop or park a motor vehicle on a sidewalk or in a sidewalk area;	https://library.municode.com/index.aspx?clientId=14166
Bicycle registration	None	None		
Bicycle dealer reports to police	None	None		